IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.2450 OF 2006

Rajendra Singh Mehta ..Petitioner.
Vs.
The Presiding Officer, Tenth Labour Court,
Mumbai & anr. ..Respondents.

...

Mr. G.R. Naik with Mr. Jaiprakash Sawant for the Petitioner.
Mr. A.D. Shetty for the Respondents.

...

CORAM: DR. D.Y. CHANDRACHUD, J.

25th September, 2006.

P.C. :

There is a finding of fact recorded by the Labour Court in the present case that the Petitioner was engaged as a truck driver only on what is known as "assignment basis" and that he has not established having worked for 240 days in a year. The burden was clearly on the Petitioner to do so having regard to the judgment of the Supreme Court in **Surendranagar District Panchayat v. Jethabhai Pitamberbhai**[1] and in **Batala Co-op. Sugar Mills Ltd. v.**

1 2006 I CLR 3.

Sowaran Singh[2]. The same view had earlier been taken by the Supreme Court in **Range Forest Officer v. S.T. Hadimani**[3] and **Municipal Corporation, Faridabad v. Siri Niwas**[4]. The Labour Court found that the testimony of the Petitioner suffered from several contradictions. The finding of fact does not warrant interference under Article 226. The Petition is accordingly dismissed.

2 2006 I CLR 23.
3 2002 I CLR 922.
4 2004 III CLR 543.